

**FILED**  
IN CLERK'S OFFICE  
U S DISTRICT COURT E.D.N.Y.  
★ JUL 05 2011 ★

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

BROOKLYN OFFICE

-----x  
ALI ALSHAIKH,

11 Civ. \_\_\_\_\_ ( ) ( )

Plaintiff,

- against -

**NOTICE OF REMOVAL**

AIRSERV CORP. and MAHINDRANAUDT  
SAMPAT,

**CV 11 - 3195**

**VITALIANO, J.**

Defendants.  
-----x

**CARTER, M.J.**

Defendants AirServ Corporation and Mahindraudt Sampat (hereinafter  
“Defendants”) by and through their attorneys, Dombroff Gilmore Jaques & French, P.C.,  
hereby give notice of the removal of the action filed in the New York State Supreme Court,  
County of Queens, to the United States federal district court for the Eastern District of New  
York pursuant to 28 U.S.C. § 1441 *et seq.* and states as follows:

1. The plaintiff commenced this action by serving a Summons and Verified  
Complaint on Defendant AirServ Corporation and attempting service upon Defendant  
Mahindraudt Sampat on or about June 7, 2011. The Summons and Verified Complaint  
represents all process, pleadings and orders that Defendants have received in this action to  
date. A true and correct copy is attached hereto as **Exhibit A**.

2. This notice is filed in accordance with 28 U.S.C. § 1446(b) and Rule 81(c) of  
the Federal Rules of Civil Procedure and within thirty (30) days of Plaintiff's service of her  
Verified Complaint in the New York State Supreme Court, County of Queens.

3. The above-described action is a civil action for alleged property loss due to an incident that occurred on an international flight leaving John F. Kennedy International Airport located in Jamaica, New York for Amman, Jordan and which may be removed to this Court by Defendants since a defendant may remove any civil action brought in a state court of which the district courts of the United States have original jurisdiction to the district court for the district and division embracing the place where such action is pending. 28 U.S.C.S. § 1441(a). If an action is founded on a claim or right arising under the U.S. Constitution, treaties, or laws of the United States, it is removable without regard to the citizenship or residence of the parties. 28 U.S.C.S. § 1441(b).

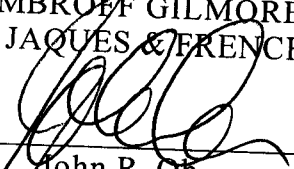
4. The above-described matter is an action over which this Court has exclusive jurisdiction pursuant 28 U.S.C. § 1331 under the Montreal Convention, previously known as the Warsaw Convention, which is an international treaty that sets forth a uniform procedure for dealing with claims arising out of international transportation and limits an air carrier and its agents' potential liability in the event of accidents. Both the United States and Jordan are signatories to the Montreal Convention.

5. A copy of this Notice of Removal will be promptly served upon all other parties and filed with the clerk of New York State Supreme Court, County of Queens, in accordance with 28 U.S.C. § 1446(d).

WHEREFORE, Defendants AirServ Corporation and Mahindra Sapat  
respectfully give notice that the action now pending against it in the New York State  
Supreme Court, County of Queens, has been removed therefrom to this Court.

Dated: New York, New York  
July 5, 2011

DOMBROFF GILMORE  
JAQUES & FRENCH, P.C.

By:   
John R. On  
40 Broad Street – Suite 601  
New York, New York 10004-2382  
(212) 742-8450 Telephone  
(212) 742-0161 Telecopier  
Attorneys for Defendants  
AirServ Corporation and  
Mahindra Sapat

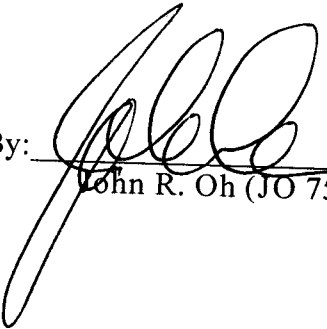
TO: THE ABOUSHI LAW FIRM, PLLC  
Tahanie A. Aboushi, Esq.  
501 Fifth Avenue, Suite 305  
New York, New York 10017  
Telephone: (212) 300-2113  
Facsimile: (646) 367-4925  
Attorneys for Plaintiff

**CERTIFICATE OF SERVICE**

The undersigned attorney at law of the State of New York certifies that on July 5, 2011, a true and correct copy of the foregoing Notice of Removal was served via First Class Mail on the following named attorney(s):

THE ABOUSHI LAW FIRM, PLLC  
Tahanie A. Aboushi, Esq.  
501 Fifth Avenue, Suite 305  
New York, New York 10017  
Telephone: (212) 300-2113  
Facsimile: (646) 367-4925  
Attorneys for Plaintiff

By: \_\_\_\_\_

  
John R. Oh (JO 7530)



**SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF QUEENS**

-----X  
ALI ALSHAIKH,

Plaintiff,

-against-

AIRSERV CORP. and MAHINDRANAUDT SAMPAT,

Defendants.  
-----X

Index No. 13079/11

SUMMONS

Plaintiff designates Queens  
County as the Place of Trial

The basis of venue is  
Place of Occurrence:  
John. F. Kennedy Airport

TO THE ABOVE NAMED DEFENDANT(S):

YOU ARE HEREBY SUMMONED to answer the complaint in this action and to serve a copy of your answer, or if the complaint is not served with this summons, to serve a notice of appearance, on the Plaintiff's attorney within 20 days after service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief and demand in the complaint.

DATED: New York, New York  
May 25, 2011

Yours etc.

THE ABOUSHI LAW FIRM, PLLC.

Attorneys for Plaintiff

By: Tahanie A. Aboushi, Esq.

501 Fifth Avenue, Suite 305

New York, NY 10017

Telephone: 212.300.2113

Facsimile: 646.367.4925

MAY 31 2011

RECEIVED  
CLERK OF THE COURT  
COUNTY OF QUEENS

**SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF QUEENS**

-----X  
ALI ALSHAIKH,

Index No.

Plaintiff,

-against-

**COMPLAINT**

AIRSERV CORP. and MAHINDRANAUDT SAMPAT,

Defendants.  
-----X

Plaintiff, ALI ALSHAIKH, by his attorneys, THE ABOUSHI LAW FIRM, PLLC,  
complaining of the defendants, respectfully allege, upon information and belief, as follows:

1. At all times hereinafter mentioned, Plaintiff, Ali Alshaikh is a resident of Syracuse, New York.
2. At all times hereinafter mentioned, Defendant MAHINDRANAUDT SAMPAT ("SAMPAT"), was and is an employee of Co-Defendant AIRSERV CORP ("AIRSERV").
3. Upon information and belief, AIRSERV is a domestic business corporation organized pursuant to the laws of the State of New York.
4. At all times hereinafter mentioned, AIRSERV was and is still doing business in the County and State of New York out of two locations: 100 Arrival Ave., #16 Ronkonkoma, NY 11779 and JFK International Airport, Building #77, Eastern Road, Penthouse Suite #1, Jamaica , NY 11430
5. At all times hereinafter mentions, Defendant AIRSERV was and still is a foreign corporation duly authorized to do business in the State of New York

6. At all times hereinafter mentions, Defendant maintains a principle place of business in the State of Georgia, located at Atlanta, 3399 Peachtree Road, NE Suite 1800 Atlanta, GA 30326.

#### **STATEMENT OF FACTS**

7. On June 27, 2010, Plaintiff was traveling from Syracuse, New York to Amman, Jordan via Delta Airlines flight DL0032 with a connecting flight between Hancock International Airport in Syracuse, New York and J.F.K. International Airport ("J.F.K. Airport") in Queens, New York.
8. At approximately 7:30p.m. on June 27<sup>th</sup>, 2010, Plaintiff made his way through the airport toward his gate approaching the pre-boarding security screening area at Gate 14, Zone 4 at J.F.K. Airport.
9. Plaintiff was traveling with money in the form of cash in an envelope, a wallet, along with a two year old child and was carrying a laptop computer, laptop carrier, stroller and a back pack.
10. In order to board his flight, Plaintiff was required and instructed by Defendant Sampat, to remove all his belongings from his pockets and place them in separate bins which were placed on a conveyor belt.
11. In compliance with Defendant's instructions, Plaintiff placed his wallet, shoes, belt, wedding ring and vehicle keys in one bin, his laptop in a second bin, and placed the envelop filled with cash inside the lap top carrier which was then placed in a third bin.
12. Plaintiff was then instructed by Defendant, to walk through a full body metal detector.
13. Upon exiting the full body metal detectors, Plaintiff went to retrieve his belongings and immediately noticed his envelope filled with money was missing.



14. Plaintiff inquired from an AIRSERVE agent where his money was and was informed by Sampat that he had given the envelope to an elderly woman who boarded the same flight.
15. Plaintiff called the Port Authority Police Department ("PAPD") to report his money missing and to seek assistance in locating the envelope filled with cash.
16. A PAPD officer spoke to Sampat and Plaintiff regarding the theft to which Sampat admitted being in possession of the money and handing it to an elderly woman.
17. At all times herein mentioned, there was no elderly female passenger in front or behind Plaintiff at the time Plaintiff's items were passed through the conveyor belt.
18. Based upon Defendants actions, the PAPD officer and Plaintiff boarded the Delta Air Lines flight DL 00332, whereupon each elderly female passenger was questioned regarding the missing money.
19. The Pilot of said flight announced on three occasions that anyone with knowledge of the money to come forward.
20. Plaintiff and the PAPD officer delayed said flight for approximately five hours in an effort to locate the money. Plaintiff further offered a reward of \$1,000 for the return of the money.
21. All of the elderly women on board said flight said they were never handed any items by any TSA agents prior to boarding the flight.
22. The canvass conducted by the PAPD produced negative results which were later documented in Police Report. *Attached is a true and accurate copy of the Police Report attached herein as "Exhibit A".*

23. Plaintiff remained on the flight and went to Amman, Jordan stranded without money. The money he was initially carrying was to help pay for his father's surgery that was scheduled the following week in Amman and to cover Plaintiff's traveling expenses.
24. Upon arriving in Jordan, Plaintiff telephoned his wife and close friends to inform them of the incident and asked them to gather enough funds to assist with the surgery and to pay for his travel expenses.

**STATEMENT OF CLAIM**

**COUNT I  
(Negligence)**

25. Plaintiff re-alleges and re-avers each and every allegation and statement contained in paragraphs "1" through "24".
26. Defendants, owed airline passengers passing through required security screening areas, including the Plaintiff, the duty to conduct security screening procedures in an reasonable manner so as to avoid foreseeable harm to airline passengers, including the Plaintiff.
27. At all relevant times hereinafter mentioned, Defendants operated the aforesaid gate and boarding zone and its appurtenances.
28. At all relevant times hereinafter mentioned, Defendants, maintained the aforesaid gate and boarding zone and its appurtenances.
29. At all relevant times hereinafter mentioned, Defendants, controlled the security procedure for the aforesaid gate and boarding zone and its appurtenances.
30. At all relevant times hereinafter mentioned, Defendants, managed the security procedure for the aforesaid gate and boarding zone and its appurtenances.

31. At all relevant times hereinafter mentioned, Defendants, owed a duty to Plaintiff in securing his personal belongings while the items were passed through the metal detector conveyor belt.
32. At all relevant times hereinafter mentioned, Defendants, owed a duty to Plaintiff in ensuring his personal items would be returned to him and not given to an unknown third party without knowledge or consent of Plaintiff.
33. At all relevant times hereinafter mentioned, Defendants, breached their duty to Plaintiff by failing to secure Plaintiff's envelope of money while Plaintiff underwent additional security screening as per Defendants requirement.
34. At all relevant times hereinafter mentioned, Defendants, breached their duty to Plaintiff by knowingly removing Plaintiffs personal property from the laptop carrier and knowingly giving it away to an unknown third party without the knowledge or consent of Plaintiff.
35. At all relevant times hereinafter mentioned, Defendants, breached their duty to Plaintiff in failing to permit Plaintiff to regain possession of his money upon completing the full body metal detector screening.
36. At all relevant times hereinafter mentioned, Defendants, breached their duty to Plaintiff in failing to conduct security screening procedures in a reasonable way so as to avoid foreseeable harm to Plaintiff.
37. The Defendants' breach of duty caused Plaintiff to lose his envelope of money. The money taken from Plaintiff by Defendant was intended for use to pay for Plaintiff's ill father' surgery and Plaintiff's traveling expenses.

38. The Defendants knew or in the exercise of reasonable care, should have known that its breach of duty could cause Plaintiff to lose his money.

39. As a direct and proximate result of the Defendants' negligence, the Plaintiff suffered loss of his money and was essentially left stranded in Jordan without money.

**COUNT II  
(Bailment)**

40. Plaintiff re-alleges and re-avers each and every allegation and statement contained in paragraphs "1" through "39" of this Complaint as if fully set forth herein.

41. Defendants requested Plaintiff's personal property which included his envelop filled with money.

42. Defendants, were given exclusive possession and control of all Plaintiff's property and knowingly accepted it through actual delivery.

43. At all times relevant hereinafter mentioned, Defendants agreed to return the property to Plaintiff upon completing security screenings.

44. Defendants knowingly failed to return to Plaintiff his envelop of money.

45. Defendants failed to exercise care over the property in its possession.

46. At all relevant times hereinafter mentioned, Defendants held Plaintiff's property for the sole benefit of Plaintiff and is liable for gross negligence.

47. Defendants knew the envelope of money was the personal property of Plaintiff as it was placed in Plaintiff's lap top carrier, yet admits to removing the envelop from the laptop carrier and giving it to an unknown third party and is therefore liable.

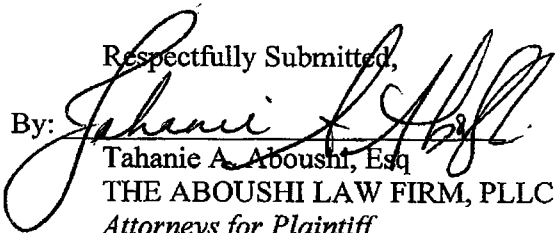
48. As a result Plaintiff suffered damages in loss or of his personal property and the loss of use of the money which had imperative purposes.

**COUNT III  
(Conversion)**

49. Plaintiff re-alleges and re-avers each and every allegation and statement contained in paragraphs "1" through "48" of this Complaint as if fully set forth herein.
50. At all times herein mentioned, Plaintiff owned the envelope of money and its contents at the time of interference.
51. The Defendants intentionally interfered with Plaintiff's dominion and control over his personal property by taking it from Plaintiff's lap top carrier.
52. Defendants' interference deprived Plaintiff of possession and use of the money contained within the envelope by giving it away to an unknown third part.
53. Defendants' interference caused damages to the plaintiff by forcing plaintiff to be stranded in a foreign country with no monetary means along with loss of his money.

WHEREFORE, plaintiff, ALI ALSHAIKH, demands judgment against the defendants in the sum of TWO HUNDRED AND FIFTY THOUSAND (\$250,000.00) DOLLARS; together with the interest, costs and such other relief as the Court may deem just and proper.

Dated: New York, NY  
May 25, 2011

Respectfully Submitted,  
By:   
Tahanie A. Aboushi, Esq.  
THE ABOUSHI LAW FIRM, PLLC  
Attorneys for Plaintiff  
501 Fifth Avenue, Suite 305  
New York, NY 10017  
Telephone: 212.300.2113  
Facsimile: 646.367.4924

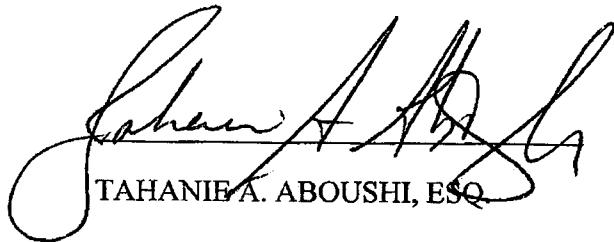
**ATTORNEY VERIFICATION**

THE UNDERSIGNED, AN ATTORNEY ADMITTED TO PRACTICE IN THE COURTS OF NEW YORK STATE, TAHANIE A. ABOUSHI, ESQ., THE ATTORNEY FOR THE PLAINTIFF HEREIN. DEPONENT HAS READ THE FOREGOING COMPLAINT AND KNOWS THE CONTENT TO BE TRUE OF HER OWN KNOWLEDGE, EXCEPT AS TO MATTERS ALLEGED ON INFORMATION AND BELIEF, AND AS TO THOSE MATTERS SHE BELIEVES THEM TO BE TRUE BASED UPON LETTERS, RECORDS AND DOCUMENTS IN HER POSSESSION AND COMMUNICATIONS WITH PLAINTIFF(S).

THE DEPONENT HAS VERIFIED THIS COMPLAINT IN ACCORDANCE WITH CPLR §3020(D)(3). THE UNDERSIGNED AFFIRMS THAT THE FOREGOING STATEMENTS ARE TRUE, UNDER THE PENALTIES OF PERJURY.

DATED: New York, New York

May 25, 2011




TAHANIE A. ABOUSHI, ESQ

## **Exhibit “A”**

## CERTIFICATION

State of New Jersey )  
County of Hudson ) ss.

1. I am the Deputy Chief, Field Aviation for the Port Authority of N.Y. & N.J. Public Safety Department.
2. The attached Port Authority of N.Y. & N.J. NCIR Report #13593 relates to an incident on June 27, 2010 at John F. Kennedy International Airport involving Ali Alshaikh. The attached report is a true copy of the original record maintained by the Port Authority of N.Y. & N.J. Public Safety Department.
3. I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

  
Benjamin Smith, Jr.  
Deputy Chief, Eastern/Southern Zone  
Port Authority of N.Y. & N.J.  
Public Safety Department

Sworn and subscribed to  
Before me this 7th day  
of April, 2011.

Michael L. Gardner  
Attorney at Law  
State of New Jersey

**MICHAEL L. GARDNER**  
ATTORNEY AT LAW  
STATE OF NEW JERSEY





## POLICE CRIMINAL COMPLAINT REPORT

THE POST AUTHORITY OF NEW JERSEY

PA2113/03-09

341 Ryle Street, Jersey City, NJ 07310

INSTRUCTIONS FOR SPECIFIC ITEMS: Item No. 13, Time occurred: Indicate time span. E.G. Auto theft - time vehicle parked to first theft discovered; Burglary - Time premises secured to time burglary discovered. \* Item Nos. 22, 36, 38 and 46, Race: Indicate I (African), Indian or Alaskan Native), A (Asian or Pacific Islander), B (Black), W (White), U (Unknown). NOTE: Hispanics should be entered with the race code most closely representing the individual. \* Item No. 55, Describe weapon: Indicate type, model, caliber, make and serial number. \* Item No. 56, Distinctive words used by suspect (Modus Operandi): Record any unusual features of the crime, especially verbal statements that might connect this offense with others committed by the same offender. \* Item No. 72, If crime was burglary - point of entry. Specify, E.G. Door, window, roof, ceiling. \* Item No. 73, Burglary: Method used in effect entry. Ex. Was window broken, alarm deactivated, door jammed, etc.

DO NOT CAPITALIZE ALL WORDS

Local Agency Ref. No.		Agency Code	1. Facility	2. County of Offense	3. CCR Number	4. CCR Number
		3	JACK	DUSSAN	13593	
4. Complaint	5. Law/Sec.	6. P.A. Crime Code	7. Date Occurred	8. P.A. Location Code	9. P.A. Code	
LOST PROPERTY		496	06/23/10			
9. Complaint	10. Law/Sec.	11. P.A. Crime Code	12. Day Occurred	13. Time Occurred (From-To)	14. Date Reported	15. Time Reported
			SUNDAY		06/23/10	2030
16. How Complaint Received	17. Post Assigned	18. Place of Occurrence (Address)	19. Type of Location	20. Complaintant's Name (Last)	21. Sex	22. Age
In Person		TORONTO #3 GATE #14 SECURITY	Store	AL-SHARAFI, A	M	36
23. Complaintant's Address	24. Reporting Person's Name (Last)	25. Reporting Person's Address	26. Complaintant - Suspect Relationship	27. Home Telephone	28. Business Telephone	29. Home Telephone
	AL-SHARAFI, A	172-04	Rel.	(616) 873-7224	(315) 410-7764	
30. Witness Name (Last)	31. Sex	32. Race	33. Age	34. Home Telephone	35. Business Telephone	36. Home Telephone
SAMUEL, MARTIN	M	END	50		(616) 873-7224	
37. Suspect's Name (Last, First, Initial)	38. Sex	39. Race	40. D.O.B.	41. Age	42. Home Telephone	43. Business Telephone
AL-SHARAFI, A	M	END		50		
44. Suspect's Address	45. Height	46. Weight	47. Hair	48. Eyes	49. Skin	50. Scar, Sec. Number
51. Complexion - Scar, Marks, Clothing, Arms	52. Describe Weapon	53. P.A. Arrest Number & Year	54. B. Number	55. Date of Offense	56. Per Voucher No.	57. Wanted Person Alert No.
				113		
58. Dispositive Words Used by Suspect	59. Case Open	60. Case Closed By	61. Case Open	62. Records Section Only	63. Master Log	64. Manifest
65. Details of Complaint: Include additional suspects, complainants and/or witnesses. Summarize details of complaint. Use reverse side if additional space is required.	OVER					
71. Vehicle and Plate Information:						
Body Style	Make	Model	Year	Color	Stolen	Recovery
V.I.N. No.	Plate No.	Type	Yr.	State	Code	Value
Insurance Policy No.	Insurance Company Name	Vehicle Insured	Per	No	Location	Identify Mark
72. Burglary - Point of Entry	73. Burglary - Method Used to Effect Entry					
74. PROPERTY - ITEMIZED	75. PROPERTY SUMMARIZED					
Quantity	Article Description - Serial and Model Numbers	Item Value	Type of Property	Value Stolen	Value Recovered	
2000	FOOD AND DRINKS U.S.C.	\$,000.00	01 - Motor Veh. Stolen or Rep.			
			02 - Currency			
			03 - Jewelry			
			04 - Fur, Clothing			
			05 - Firearms			
			06 - Other Personal			
			07 - TV, Radio, Camera, etc.			
			08 - Household Goods			
			09 - Consumable Goods			
			10 - Miscellaneous			
			11 - Other			
			12 - Other			
76. Arresting/Investigating Officer	77. Tax Return Number					
PA BL DAW						
78. Your Complaint	79. Unfiled Complaints					

B. Additional		CCR - FINGER TAQA					
43. Suspect's Name (Last, First, Initial)		<input type="checkbox"/> Arrested <input type="checkbox"/> Interviewed	44. Sex	45. Race	46. D.O.B.	Age	47. Home Telephone
48. Suspect's Address		49. Ht.	50. Wt.	51. Hair	52. Eyes	53. Soc. Sec. Number	
54. Complexion - Skin, Marks, Clothing, Alibi		55. Describe Weapon		<input type="checkbox"/> Used <input type="checkbox"/> Possessed			
56. Distinctive Words Used by Suspect		57. P.A. Asset Number & Year		58. B. Number			
43. Suspect's Name (Last, First, Initial)		<input type="checkbox"/> Arrested <input type="checkbox"/> Interviewed	44. Sex	45. Race	46. D.O.B.	Age	47. Home Telephone
48. Suspect's Address		49. Ht.	50. Wt.	51. Hair	52. Eyes	53. Soc. Sec. Number	
54. Complexion - Skin, Marks, Clothing, Alibi		55. Describe Weapon		<input type="checkbox"/> Used <input type="checkbox"/> Possessed			
56. Distinctive Words Used by Suspect		57. P.A. Asset Number & Year		58. B. Number			
59. Additional Details of Complaint include Additional Suspects, Complainers, Witnesses and Other Pertinent Information Regarding Incident.							
<p>② TIPID AKAUS CMP STATUS WAS RED BANG A UHAFIS.</p> <p>ENVELOPE CONTAINING LISTED PROPERTY. AKAUS WITNESS STATUS. HZ</p> <p>DID PILL SATE ENVELOPE AND AKAUS SECURITY LHS, "WHO'S ENVELOPE</p> <p>IS THIS? UHAFIS, RED STATUS <sup>ALSO</sup> <del>WITNESS</del> AN UNKNOWN ENVELOPE</p> <p>VERIFIED UHAFIS RED STATUS IT WAS HZRS. AKAUS UHAFIS DID GIVE</p> <p>ENVELOPE TO UHAFIS. CANVAS CONDUCTED UHAFIS RESULTS</p> <p>AKAUS PUGHT WAS CONTAIN APPROXIMATELY SEVENTY-FIVE VESSEL</p> <p>UHAFIS OF RED.</p>							